



COMDTINST 3128.1H
29 DEC 2004

COMMANDANT INSTRUCTION 3128.1H

Subj: FOREIGN PORT CALLS

Ref: (a) Coast Guard Regulations, COMDTINST M5000.3 (series)
(b) DOD Foreign Clearance Guide, DOD 4500.54 (series)
Sensitive: www.fcg.pentagon.mil
Classified: www.fcg.pentagon.smil.mil
(c) Coast Guard Physical Security and Force Protection Program Manual,
COMDTINST M5530.1 (series)

1. PURPOSE. This Instruction provides policy on visits to foreign countries by U.S. Coast Guard vessels and stipulates procedures for obtaining clearance or making notification of foreign port calls.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers, assistant commandants for directorates, the Judge Advocate General, and special staff offices at Headquarters shall ensure compliance with the provisions of this Instruction. Not authorized for Internet release.
3. DIRECTIVES AFFECTED. Foreign Port Calls, COMDTINST 3128.1G is canceled.
4. DISCUSSION.
 - a. Visits to foreign ports by U.S. Coast Guard vessels are conducted to:
 - 1) Support U.S. national security and foreign policy interests.
 - 2) Foster goodwill through participation in civic action projects, cultural events, and professional exchanges with foreign counterpart organizations.
 - 3) Obtain logistical support.

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NON-STANDARD DISTRIBUTION: B:a G-CI (30); B:a (G-O) (15)

- 4) Complete ship maintenance and repairs.
- 5) Enhance crew morale by providing the opportunity for liberty and recreation.
- b. Vessels and their crews represent the United States at all times; therefore, vessel appearance and conduct of crews in foreign ports must be exemplary.
- c. Each entry of a U.S. Coast Guard vessel into a foreign port or anchorage requires the permission (clearance) of the host government, except where emergency or weather dictates force majeure or where existing agreements provide access to ports of the host government. Procedures for obtaining clearance or making notifications are provided in enclosure (1). Further requirements for U.S. Coast Guard vessels visiting foreign ports are provided in reference (a). Additionally, Coast Guard personnel are to apply the guidance provided in reference (b), as appropriate.
- d. Area commanders are delegated responsibility and authority to direct foreign port visits with the exception of those listed in enclosure (2). This authority may be further delegated to operational commanders at the discretion of the Area commander. *Commandant (G-CI) approval is required for port visits to all countries listed in enclosure (2).*
- e. Operational commanders may seek local arrangements to simplify clearance procedures through U.S. Defense Attachés or diplomatic missions. Such local arrangements must be submitted to the Chief of the U.S. Diplomatic Mission for consideration and concurrence.
- f. When a Coast Guard vessel is under the operational control of a joint force commander or component commander, it shall follow antiterrorism/force protection procedures and measures established by that commander to meet the requirements for the appropriate combatant commander area of responsibility. General Coast Guard guidance can also be found in Chapter 5 of reference (c).
- g. This instruction does not apply to Coast Guard assets conducting migrant repatriation or other operations requiring entry into Cuban ports (including NAVBASE Guantanamo). NAVBASE Guantanamo port calls shall be handled in accordance with reference (b). Port calls in other Cuban ports for Cuban repatriation and other purposes shall be coordinated directly with Commandant (G-OPL).

5. PROCEDURES.

- a. G-CI will communicate directly with the Department of State via the Senior Coast Guard Advisor for Global Affairs on matters of general policy and the status of diplomatic arrangements, and with appropriate clearance agencies to coordinate requests for diplomatic clearances for foreign port calls to countries listed in enclosure (2).
- b. Area commanders, or their designated subordinates, will communicate directly with the appropriate clearance agencies to provide notification, information, or coordinate

requests for diplomatic clearance for foreign port calls to countries not listed in enclosure (2).

- c. Unit commanding officers shall ensure that the provisions of this instruction are followed in planning, requesting and executing port visits to foreign countries.
- 6. CHANGES. Corrections or recommendations for improving this instruction shall be submitted to G-CI.
- 7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.
- 8. FORMS. None.

T. H. COLLINS /s/

Encl: (1) Port Visits by U.S. Coast Guard Vessels to Foreign Countries
(2) Special Case Port Clearance Countries
(3) Sample Foreign Port Clearance Message

PORT VISITS BY U.S. COAST GUARD VESSELS TO FOREIGN COUNTRIES

1. Scope. This enclosure applies to all U. S. Coast Guard vessels, except those under the tactical control (TACON) of non-Coast Guard commands such as the U.S. Navy or a Joint Inter-Agency Task Force (JIATF), at the time of a proposed visit. While under the tactical control of a non-Coast Guard command, Coast Guard vessels shall comply with that command's applicable directives and orders in lieu of this instruction, except as noted in enclosure (2) of this instruction. Coast Guard vessels so operating will ensure that either LANTAREA or PACAREA and Commandant (G-CI) are included on the INFO line of the message request.
2. Types of Visits. Ship visits are classified as formal, informal, or routine.
 - a. Formal Visits. Formal visits of courtesy are made upon invitation to special occasions such as national or international celebrations or visits by heads of state.
 - b. Informal Visits. Informal visits are made primarily in the interest of familiarization and goodwill and require no special formalities other than courtesy calls prescribed by U.S. Coast Guard Regulations. Informal visits usually include the objectives of routine visits. An exchange of social courtesies with local military and civilian officials is usually associated with an informal visit.
 - c. Routine (Operational). Routine visits are those made primarily for logistical support, maintenance, repairs, liberty and recreation, or in connection with operational missions. No protocol is required other than that dictated by local custom.
3. Preparation for Visits. When scheduling visits to foreign ports, the following must be taken into consideration:
 - a. A foreign port visit offers a unique opportunity to foster goodwill and facilitate cooperation with the host government in areas of mutual concern such as maritime search and rescue, marine safety, pollution prevention and law enforcement. Port calls, which are possible without adversely affecting normal operations, are encouraged. However, frequent use of particular ports may result in lessening the spirit of welcome and cooperation.
 - b. Mid-week visits are preferable over weekends, when many local activities are closed. Arrivals and departures should be scheduled on weekdays during normal working hours whenever possible.
 - c. The frequency of visits and sizes of liberty parties should take into account the available port and recreational/liberty facilities.
 - d. Visits should not be scheduled during periods of elections, religious holidays, or when political developments indicate that ship visits are not desirable. Close coordination with the U.S. Defense Attaché is encouraged on this matter.
 - e. Since a visit to a foreign port requires approval by the host nation, it is essential that the visit be handled expeditiously and correctly. Consideration must be shown not only for the host but also the U.S. diplomatic officials who arrange the visit. Visit approvals are

handled at high levels within the host government and oversights or inconsiderate actions could cause embarrassment to the U.S. government.

4. Clearance Requirements and Procedures. The Foreign Clearance Guide (FCG) can be found online at <<http://www.fcg.pentagon.mil>> and classified at <<http://www.fcg.pentagon.smil.mil>>. The unclassified format is updated weekly. These websites contain individual country requirements and appropriate PLADs. Typically, cutters receive hard copies quarterly.
 - a. Each entry of a Coast Guard vessel into a foreign port or anchorage requires the permission (clearance) of the host government, except where emergency or weather dictates force majeure or where existing agreements provide access to ports upon advance notification to the host government. Countries for which notification procedures are in effect are indicated in the individual country section of enclosure (2).
 - b. Upon direction from TACON, foreign port visit requests shall be submitted by the requesting ship in the format provided in enclosure (3), and comply with country requirements as directed in the FCG. Ships shall not submit a Foreign Port Clearance request without direction from TACON. For approved visits to countries listed in enclosure (2), the Area commander or designated representative will initiate requests for diplomatic clearance or provide notifications to the appropriate clearance agencies.
 - c. In situations where a ship is unable to submit a foreign port visit request (e.g. ships without messaging capability), TACON is responsible for facilitating the request.
 - d. For a visit to any country listed in enclosure (2), the appropriate Area commander shall notify G-CI by message of the conceptual approval of the visit and G-CI will coordinate the request for diplomatic clearance.
 - e. Clearance requests should be submitted to the clearance activity or agency at least 30 days prior to the visit. *Adequate time for processing by Area Commanders or Commandant must be considered and is not included in the 30-day requirement. Shorter lead times may result in clearance not being granted. Requests under 30-days shall follow the above process, with explanation.*
 - f. U.S. government policy of neither confirming nor denying the presence or absence of nuclear material on board U.S. military ships applies to Coast Guard vessels. U.S. clearance activities and agencies will comply with this policy when arranging clearance or making notification to the host government.
 - g. Once diplomatic clearance has been requested, or notification of a foreign port visit has been made, every reasonable effort should be made to comply with the visit schedule as requested. If a change in schedule or cancellation of the port visit is necessary prior to receipt of diplomatic clearance, the vessel shall notify the cognizant Area Commander, designated representative, or G-CI, as appropriate. The recipient of such notification will advise the clearance activity or agency of the change or cancellation. Once the country has granted diplomatic clearance or notification of a foreign port visit has been made, the responsibility for follow-up or amendment submittals shifts to the vessel. All addressees

on prior message traffic shall be included on the change request.

5. Sovereign Immunity of USCG Vessels and Aircraft. It is a long-standing and fundamental principle of international law that warships, military aircraft, and other government vessels or aircraft of noncommercial service enjoy the privilege of sovereign immunity - freedom from the jurisdiction of foreign nations.
 - a. All U.S. Coast Guard vessels and aircraft enjoy sovereign immunity from interference by the actions of foreign governments, including inspection, detention, foreign government officials exercising authority over passengers or crew when embarked, or with respect to official or private acts performed on board.
 - b. This immunity prevents foreign governments from exercising police, military, health, customs, immigration, and taxation authority over U.S. Coast Guard ships and aircraft.
 - c. Although immune from law enforcement actions by foreign authorities, U.S. Coast Guard ships and aircraft proceeding to and from foreign ports under diplomatic clearance shall comply with reasonable host country requirements and/or restrictions on traffic, health, customs, immigration, quarantine, etc. Noncompliance, however, is subject only to being asked to comply, pursuing diplomatic protest, or being ordered to leave the host country's territory or territorial sea/airspace, and not to law enforcement actions.
 - d. Because declarations of sovereign immunity are continually subject to challenge by the governments of foreign nations, commanding officers, officers-in-charge, and aircraft commanders often must firmly assert the sovereign immunity status of U.S. Coast Guard vessels and aircraft.
 - e. While enforcement actions by foreign officials to ensure compliance with host country legal requirements are not permitted, commanding officers, officers-in-charge, and aircraft commanders may themselves, or through a representative, certify compliance with host country law and requirements. If requested by host country authorities, certification may include a general description of measures taken by U.S. officials to comply with requirements. At the discretion of the commanding officer, officer-in-charge, or aircraft commander, foreign authorities may be received on board for the purpose of accepting certification of compliance, but under no circumstances may they be permitted to exercise governmental authority, nor may they inspect the ship/aircraft or act as an observer while U.S. personnel conduct such inspections.
 - f. Before entering the territory, territorial sea, or territorial airspace of a foreign country, commanding officers, officers-in-charge, and aircraft commanders should determine the nature and extent of local law and customs by reviewing applicable sources of information, (e.g. FCG, port directories, Sailing Directions, OPORDS, LOGREQ

responses, CGIS summaries of local law enforcement issues) accepted transit procedures and other pertinent reference sources.

- g. The guidance provided in this section is intended to create an appropriate balance between protecting U.S. sovereign immunity status and the host/foreign nation's legitimate sovereignty concerns. If in doubt about application of principles of sovereign immunity to specific situations, consult a servicing legal office for advice or assistance, and/or seek guidance from higher authority via the chain-of-command.
- h. Situation specific guidance is provided below:

(1) Situation: Foreign authorities request/demand *crew list*, personnel records or personal information on *military personnel*.

Guidance: Comply with applicable Status of Forces Agreement (SOFA)/Visiting Forces Agreement (VFA) or other international agreement. Absent an international agreement, requiring disclosure, U.S. authorities may not provide such information, but may certify compliance with inoculation or other public health requirements that crew is free of communicable disease. With respect to host country inquiries about HIV infection, the following certification may be offered: U.S. policy requires all military personnel to be screened for serological evidence of HIV infection. Those testing positive for HIV are assigned within the United States and not to deploying units.

(2) Situation: Foreign authorities request/demand a *list of military personnel that will disembark* the cutter or aircraft for liberty or unofficial business.

Guidance: Comply with applicable SOFA/VFA or other international agreement. Absent an international agreement, a commanding officer may provide information about personnel going ashore for a temporary time and for unofficial purposes (e.g. liberty) to comply with a host country's immigration laws. However, if information is provided, it should include the minimum amount of information required to comply with the host country's laws, and include no more than names (without rank), place of birth, date of birth, and sex. Commanding officers should not provide foreign officials with other sensitive or personal information, such as social security numbers, rank, addresses, or other specific information. Such liberty lists are not the same as crew lists, even though they may contain the names of all crewmembers.

(3) Situation: Foreign authorities request/demand crew list, personnel records or personal information about *nonmilitary personnel*, including crewmembers (civil service and commercial mariners), or other civil contractor personnel (e.g. tech reps).

Guidance: Comply with applicable SOFA/VFA or other international agreement. Absent an international agreement requiring disclosure, a list limited to names and passport numbers of non-military personnel on board USCG ships and aircraft may be provided to foreign authorities. Other information concerning embarked non-military personnel, such as health records, job description, SSN, or employer, may not be provided.

- (4) Situation:** Foreign authorities request/demand a *list of nonmilitary personnel*, including crewmembers (civil service and commercial mariners), or other civil contractor personnel (e.g. tech reps) *that will disembark* the cutter or aircraft for liberty or unofficial business.

Guidance: Comply with applicable SOFA/VFA or other international agreement. Absent an international agreement, a commanding officer may provide information about personnel going ashore for a temporary time and for unofficial purposes (e.g. liberty) to comply with a host country's immigration laws. However, if information is provided, it should include the minimum amount of information required to comply with the host country's laws, and include names and passport numbers or no more than names, place of birth, date of birth, and sex. Commanding officers should not provide foreign officials with other sensitive or personal information, such as health records, job descriptions, Social Security Numbers, addresses, or employers.

- (5) Situation:** Foreign authorities request permission/demand to search ship, aircraft, or any part thereof, including personal effects or lockers, for contraband, evidence of crime, etc.

Guidance: Do not permit the ship/aircraft to be searched for any reason by foreign authorities. Explain U.S. sovereign immunity policy. U.S. authorities may themselves conduct consent, command authorized, or other lawful searches or inspections and preserve evidence without foreign officials being present, but evidence seized shall not be turned over to foreign authorities absent specific direction by higher authority.

- (6) Situation:** Foreign agricultural or health inspectors demand/request to come on board U.S. aircraft or ship to conduct spraying/inspection in accordance with foreign country regulations.

Guidance: U.S. authorities shall refuse foreign officials access to inspect or spray, but may agree to conduct required inspection/spraying themselves and certify that appropriate requirements have been met.

(7) Situation: Foreign authorities request/demand a list of stores or firearms on board vessel/aircraft.

Guidance: Do not provide list of stores/firearms, which are to remain on board vessel/aircraft. List of items to be taken off vessel or aircraft may be provided.

(8) Situation: Foreign authorities attempt to levy fine or tax on vessel or aircraft.

Guidance: Payment of any fines or taxes is prohibited regardless of reasons offered for imposition. Appropriate charges for pilots, tugboats, sewer, water, power and other required goods or services may be paid.

(9) Situation: In a country that does not have a SOFA/VFA with the U.S., foreign authorities demand/request that an individual (military or embarked civilian) suspected of an offense be turned over for arrest or investigation purposes.

Guidance: If an individual (military or embarked civilian) suspected of an offense ashore is on board, either because he/she has returned to the vessel/aircraft before being apprehended, or because he/she was returned by local police or shore patrol before formal demand for custody was made by foreign authorities, do not turn over individual without permission from higher authority. If foreign officials return someone to U.S. jurisdiction, U.S. officials may not promise to return the individual upon later demand by foreign authorities.

(10) Situation: In a country that has a SOFA/VFA with the U.S., foreign authorities request an individual who is suspected of an offense be turned over to them for arrest or investigation.

Guidance: In accordance with SOFA/VFA, U.S. officials may be required to surrender an individual suspected of committing an offense in the foreign jurisdiction, to turn over evidence obtained by vessel/aircraft investigators, or to provide suspected personnel to participate in off-ship/aircraft identification or line-up. If any doubt exists as to SOFA/VFA terms, guidance should be sought from higher authority.

SPECIAL CASE PORT CLEARANCE COUNTRIES AND REGIONS

At the time of publication, the following countries and regions are designated as Special Case Port Clearance Countries and **require Commandant (G-CI) approval prior to submission** as directed in the Foreign Clearance Guide:

- a. India
- b. Indonesia
- c. New Zealand
- d. North Korea
- e. Pakistan
- f. People's Republic of China
 - (1) Hong Kong, Special Administrative Region
 - (2) Macau China, Special Administrative Region
 - (3) Taiwan, Province of China
- g. Russian Federation
- h. Venezuela
- i. Vietnam
- j. Yemen

SAMPLE FOREIGN PORT CLEARANCE REQUEST

DTG
FM USCGC XXXXXXXXXXXX
TO PER FOREIGN PORT CLEARANCE GUIDE
INFO TACON
COMDT COGARD WASHINGTON DC//G-CI//
COGNIZANT AREA//O/I/CC//
COGARD INTELCOORDCEN WASHINGTON DC (*EXCEPT CARIBBEAN SUPPORT TENDER*)
AS DIRECTED BY TACON
PER FOREIGN CLEARANCE GUIDE
See Encl (2)
BT
UNCLAS FOUO //N03128//
SUBJ: PORT VISIT CLEARANCE REQUEST
REF A FOREIGN PORT CALLS, COMDTINST 3128.1
REF B DOD FOREIGN CLEARANCE GUIDE
REF C AS APPLICABLE
1. REQUEST CLEARANCE FOR PORT VISIT TO THE
FOLLOWING PORT (ALL TIMES LOCAL):

PORT	ARRIVE	DEPART
<i>Name of Port</i>	<i>DTG</i>	<i>DTG</i>

2. PURPOSE OF VISIT: FORMAL, INFORMAL, or ROUTINE. (*insert only one, see ENCL (2), para. 2 for definitions*)
3. USCGC Ship Name (*WMEC, WPB, etc and number*), SALUTING or NON-SALUTING. (*insert only one*)
 A. LENGTH: XXXFT (XXX.XM)
 B. BEAM: XX FT (XXM)
 C. DRAFT: XX FT (X.XM)
4. CO: *First Name MI. Last, Rank, Date of Rank* XXAUGXX
5. CREW AND PASSENGERS:
 A. OFFICERS: (*total number of officers to include CWO's*)
 B. ENLISTED: (*total number of enlisted*)
C. NO FLAG OFFICERS, CIVILIANS OR DISTINGUISHED PASSENGERS EMBARKED.
 D. MAXIMUM DAILY LIBERTY PARTY: (*specify number*)
6. LOGISTICS REQUESTED: (*As appropriate, list major logistical requirements, including type and quantity of food, fuel, water, electricity, garbage removal, telephone, pilot, pier space, etc.*)
 A. REQ PILOT FOR ARRIVAL AND DEPARTURE. (*or waiver as appropriate*)
 B. REQ BERTH AT desired MOORINGS.
 C. REQ LINE HANDLERS.
 D. REQ WATER.
 E. REQ FUEL (*specify type*).
 F. REQ SEWAGE SHORE TIE. (*specify size*)
 G. REQ ELECTRICITY (*specify type*).
 H. REQ TELEPHONE.
 I. REQ GARBAGE REMOVAL.

J. REQ APPOINTMENTS WITH APPROPRIATE OFFICIALS, CIVILIAN AND MILITARY, FOR OFFICIAL CALLS.

K. *Statement as to availability of ship for local tours and crew participation in local activities as appropriate.*

7. COMMUNICATIONS: *Specific information on frequencies to be used within foreign territorial waters so that transmission authority can be obtained to preclude inadvertent disruption of host country communications. (Note: Extractions from Radio Frequency Plan, M2400.1) are not classified. If classified frequencies are to be use while in a foreign port, then ship's initial request message must be classified and contain all the required frequency information.*

REQ PERMISSION TO TRANSMIT ON THE FOL FREQS IN XXXX country's TERRITORIAL WATERS:

FREQ	EMISSION TYPE	BANDWIDTH	POWER
XXX.XXHZ	VHF XX	XXKHZ	XXW
XXX.XX MHZ	VHF XX	XXKHZ	XXW
XXX.XX MHZ	VHF XX	XXKHZ	XXW
XXXX.0 KHZ	USB	X.XKHZ	XXXW
XXXX.0 KHZ	USB	X.XKHZ	XXXW
XXXX.0 KHZ	USB	X.XKHZ	XXXW
XXXX.0 KHZ	USB	X.XKHZ	XXXW
XXXXX.0KHZ	USB	X.XKHZ	XXXW

8. RADAR PARAMETERS (*as appropriate*)

A. NOMENCLATURE: AN-SPS-64

B. FREQ: XXXX MKZ

C. BANDWIDTH: XX MHZ

D. EMISSION: XXMPON

E. MAX PWR: XXXW

F. PULSE WIDTH: XXX,XXX,XXXX, NSEC

G. PULSE REPETITION FREQ: XXX, XXXX, XXXX PPS

H. PURPOSE: SURFACE SEARCH, NAVIGATION

9. ONE HH-65 HELO EMBARKED. (request permission for local flights, stating purpose, if appropriate)

10. SPECIAL INSTRUCTIONS: Add any Items that are appropriate but do not have a place to be mentioned above.

11. COM(PAC/LANT)AREA POC: Rank First Name, MI., Last Name, e-mail address (XXX) XXX-XXXX. CGC (Name of Ship) POC: Rank First Name, MI., Last Name, e-mail address, (XXX) XXX-XXXX.

BT

NNNN